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11
12 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
13 **SAN FRANCISCO DIVISION**

14 CHRISTIAN GILSTRAP, CYNTHIA J.
TYLER, THOMAS FRIEDMAN, JEREMY
15 SHEPPECK, ALOYSIUS J. BROWN, III,
16 ANNE M. RINALDI, LAURA J. WARNER,
BARBARA HEATH, KATHLEEN LINDA
17 PITLOCK, KATHLEEN WEISS, MATTHEW
A. HOSKING, DIANE URBANEC, ED
18 MACAULEY, RONNA HAMELIN, JAMES
L. NESMITH, LAUREN ALBERT, SUE
19 ROBERTS, SHANE S. DAVIS, SUE ELLEN
20 GORDON, CHARLES LEONARD PELTON,
SR, KIMBERLY WHITESIDE BROOKS,
21 STEVEN D. CAMPBELL, and JESSICA
MOYER, Individually and on Behalf of All
22 Others Similarly Situated,

23 Plaintiffs,

24 vs.

25 APPLE INC.; HACHETTE BOOK GROUP,
INC.; HARPERCOLLINS PUBLISHERS,
26 INC.; MACMILLAN PUBLISHERS, INC.;
PENGUIN GROUP (USA) INC.; and SIMON
27 & SCHUSTER, INC.,

28 Defendants.

CASE NO. 3:11-CV-04035-EMC

STIPULATION TO EXTEND TIME TO
RESPOND TO COMPLAINT

ORDER

STIPULATION TO EXTEND TIME TO RESPOND TO COMPLAINT

WHEREAS, there have been multiple actions related to this case filed in both the Northern District of California and the Southern District of New York (the "Actions");

WHEREAS, the Court has entered an order in the first-filed action, *Petru, et al. v. Apple, Inc., et al.* (11-cv-3892 N.D. Cal.) (the "*Petru* Action"), to extend the time to answer, move or otherwise respond to the complaint until December 15, 2011, without prejudice to the right of any party to seek a further adjustment to the schedule;

WHEREAS, the parties have agreed that the response date in this action should not come prior to the response date in the *Petru* Action;

WHEREAS, plaintiffs agree that submission of this Stipulation should be without prejudice to any of Plaintiffs' claims or defense of Hachette Book Group, Inc., HarperCollins Publishers L.L.C. (incorrectly sued as "HarperCollins Publishers, Inc."), Holtzbrinck Publishers, LLC d/b/a Macmillan (incorrectly sued as Macmillan Publishers, Inc.), Penguin Group (USA) Inc., Simon & Schuster, Inc., and Apple, Inc. (collectively, "Defendants");

WHEREAS, this stipulation to extend the time within which Defendants have to answer, move or otherwise respond to the complaint in this action will not alter the date of any event or any deadline already fixed by Court order;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendants, as follows:

1. Pursuant to Civil Local Rule 6-1(a), Defendants' time to answer, move or otherwise respond to the complaint is hereby extended to December 15, 2011, without prejudice to the right of any party to seek a further adjustment to the response date based on future developments;

2. If any of the Defendants that are a party to this Stipulation responds to a complaint in any of the Actions prior to the time provided in this Stipulation, Defendants will respond to the complaint in this action at the same time;

3. None of Plaintiffs' claims or Defendants' defenses are prejudiced or waived by its submission of this Stipulation; and

4. Defense counsel may file notices of appearance in this action without prejudice to their respective clients' jurisdictional or venue defenses.

DATED: September 7, 2011

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I, Raoul D. Kennedy, am the ECF User whose ID and password are being used to file this Stipulation to Extend Time To Respond To Complaint. In compliance with General Order 45, X.B., I hereby attest that each of the following signatories has concurred in this filing.

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Attorneys for Plaintiffs

IT IS SO ORDERED

Edward M. Chen
U.S. District Judge

